

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: AUGUST 27, 2009

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐ Consent ☒ Discussion

SUBJECT:

SUP-35154 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: BOCA FASHION VILLAGE PIZZERIA - OWNER: BOCA FASHION VILLAGE, LLC - Request for a Special Use Permit FOR A PROPOSED 3,658 SQUARE-FOOT SUPPER CLUB WITHIN A FORMER RESTAURANT at 750 Rampart Boulevard, Suite #7 (APN 138-32-312-005), PD (Planned Development) Zone, Ward 2 (Wolfson)

IF APPROVED, C.C.: 10/07/2009

IF DENIED, P.C.: FINAL ACTION (Unless Appealed Within 10 Days)

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

6

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

13

City Council Meeting

0

RECOMMENDATION:

APPROVAL

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Submitted after Final Agenda – Protest/Support Postcards

Motion made by RICHARD TRUESDELL to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

KEEN ELLSWORTH, VICKI QUINN, BYRON GOYNES, GLENN TROWBRIDGE, RICHARD TRUESDELL, STEVEN EVANS, GUS FLANGAS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

CHAIR TROWBRIDGE declared the Public Hearing open.

DOUG RANKIN, Planning and Development, stated that the applicant proposes to re-tenant a former restaurant with a supper club. Staff finds that the use is compatible and harmonious with the surrounding uses and recommended approval.

PLANNING COMMISSION MEETING OF: AUGUST 27, 2009

ATTORNEY MEREDITH SIMMONS, Moran Law Firm, 630 South Fourth Street, appeared on behalf of JOSEPH CIOLLI and Grimaldi's Pizzeria and indicated that the applicant is seeking a special use permit for the outside dining. The prior use of the proposed location was a restaurant with outside seating.

EVA PAULUSSEN stated that she had applied for a special use permit at the same location and converted the site into a restaurant. When she could not pay the rent, she approached the owner of Triple Five and was released from her lease. However, she was later contacted by collection agencies asking for money. That location is horrible because it lacks parking, which the City is aware of. Triple Five has refused to repay her the money and she refuses to sit back and have Boca Park benefit at her cost.

TODD FARLOW stated that the item should not be considered until MS. PAULUSSEN'S concerns are resolved.

ASSISTANT CITY ATTORNEY BRYAN SCOTT indicated that MS. PAULUSSEN'S allegations should not be addressed in a land use decision, as that is a private matter between her and the other parties.

COMMISSIONER ELLSWORTH sympathized with MS. PAULUSSEN but the Commission's job is not to consider her issue. He suggested she address it in a civil setting. MS. PAULUSSEN remarked that she is aware of her options but she wanted to put her comments on the record, since this location is in COUNCILMAN WOLFSON'S ward, and he represents one of the individuals involved in this application in a private case.

ATTORNEY SIMMONS agreed with all conditions.

COMMISSIONER TRUESDELL indicated the center is the appropriate location for the restaurant.

CHAIR TROWBRIDGE declared the Public Hearing closed.